



HOUSING NEWS

...Keeping housing issues in the forefront...

Fair Housing

This housing newsletter focuses on Fair Housing. What exactly is Fair Housing? What do we mean by the term and how does it apply to you? This article is a brief history of major laws prior to the current Federal Fair Housing Law.

Since 1988, according to federal fair housing laws, it is illegal to discriminate on the basis of race, color, creed, sex, age, familial status, national origin or disability. The Act covers a broad range of housing related transactions; rentals, sales, mortgage lending, homeowners insurance, zoning, appraisals, tax assessment, "blockbusting", and advertising. The law also makes it illegal to coerce, intimidate, threaten or interfere with someone in the exercise of their fair housing rights and provides for civil remedies and criminal penalties.

We didn't always have Fair Housing Laws but we were guaranteed certain rights in the Constitution written back in 1789. In 1866 the 13th and 14th Amendments to the US Constitution were added which abolished slavery and gave the right to "due process of law" to **all** persons. This means that the State cannot deny to any person living within its boundaries the equal protection of the laws. But those laws protecting all citizens took time to develop.

The Civil Rights Act was passed by Congress on 9th April 1866. The Act declared that all persons born in the United States were now citizens, without regard to race, color, or previous condition. As citizens they could make and enforce contracts, sue and be sued, give evidence in court, and inherit, purchase, lease, sell, hold, and convey real and personal property. Not surprisingly, the activities of organizations such as the Ku Klux Klan undermined the workings of this act and it failed to guarantee the civil rights of African Americans as well as many other people living in this country for the next century.

Starting in 1967 the passage of Fair Housing legislation was being argued in Congress, but the tragic death of Dr. Martin Luther King, Jr., on April 4 of 1968 seems to have been a catalyst for President Lyndon Johnson to quickly sign into law the Fair Housing Act. He signed it a week after Dr. King's death, on April 11, 1968, thus marking 2003 as the 35th anniversary of this most important law.

The original law did not include protection against discrimination on basis of sex, familial status or disability. In 1974 the first fair housing act amendment added protection on basis of sex and in 1988 it was amended again to include protection based on familial status and disability.

So what do you do if you feel you have experienced discrimination with regard to your housing here in Missouri? Please read on.

Inside this issue:

Fair Housing

1

Housing Discrimination

2

Contact the MCHR Nearest You

3

Missouri Protection and Advocacy Services

3

What the Future Holds for Fair Housing

4

Housing Discrimination: Do You Know What to Do?

Have you ever been discriminated against? Do you know what you can do about it? Do you know where to turn? Were you ever denied the rental of a house or apartment because of your disability or your race or because you have children under 18 years of age? Did you take any action?

The Missouri Commission on Human Rights (MCHR) is the state agency charged with enforcing the state's anti-discrimination law, which is titled the Missouri Human Rights Act (the Act). The basic powers and duties of the MCHR are to prevent (through education and outreach) and eliminate (through enforcement) discrimination. Persons who believe that they have been discriminated against can file a complaint on a form provided by the Commission. These complaints must be "filed" within 180 days of the date of discrimination.

The MCHR has specific areas of authority. Many unfair or unjust things can and do happen to people but the MCHR is only authorized to investigate complaints in employment, public accommodations and housing and only if the reason for the alleged discrimination is on account of the person's race, color, religion, national origin, ancestry, sex, age (40 - 69) (in employment only), disability and familial status-families with children under the age of 18 (in housing only).

In the area of housing, the Act prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions.

In the Sale and Rental of Housing: No one may take any of the following actions based on any of the categories protected by the Act:

- Refuse to rent or sell housing
- Refuse to negotiate for housing
- Make housing unavailable
- Deny a dwelling
- Set different terms, conditions or privileges for sale or rental of a dwelling
- Provide different housing services or facilities
- Falsely deny that housing is available for inspection, sale, or rental
- For profit, persuade owners to sell or rent (blockbusting) or
- Deny anyone access to or membership in a facility or service (such as a multiple listing service) related to the sale or rental of housing.

In Mortgage Lending: No one may take any of the following actions based on any of the categories protected by the Act:

- Refuse to make a mortgage loan
- Refuse to provide information regarding loans

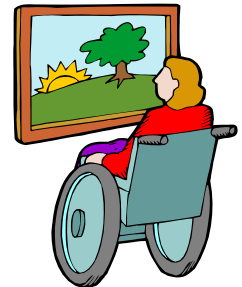
- Impose different terms or conditions on a loan, such as different interest rates, points, or fees
- Discriminate in appraising property
- Refuse to purchase a loan or
- Set different terms or conditions for purchasing a loan.

If you or someone associated with you:

- Have a disability that substantially limits one or more major life activities
- Have a record of such a disability or
- Are regarded as having such a disability

Your landlord **may not:**

- Refuse to let you make reasonable modifications to your dwelling or common use areas, at your expense, if necessary for the person with the disability to use the housing. (Where reasonable, the landlord may permit changes only if you agree to restore the property to its original condition when you move.)



- Refuse to make reasonable modifications in rules, policies, practices or services if necessary for the person with the disability to use the housing.

Example: A building with a "no pets" policy must allow a visually impaired tenant to keep a service animal.

Example: An apartment complex that offers tenants ample, unassigned parking must honor a request from a mobility-impaired tenant for a reserved space near her apartment if necessary to assure that she can have access to her apartment.

Once a complaint is filed, the MCHR staff will conduct a fact-finding investigation. The staff does not represent either side.

After the investigator gathers the facts, the Executive Director makes a determination whether there is "probable cause" to believe a violation of the Act has occurred. If there is no probable cause found, meaning the MCHR



cannot connect what happened to the person's protected status, the complaint is dismissed and the complainant is notified of his/her right to appeal the decision to circuit court.

If the case is found to have probable cause, the complainant and respondent will be asked to consider a formal settlement. If settlement attempts fail, the case may be resolved at a public hearing, which is an administrative law proceeding. (Not all cases that fail settlement will automatically go to a public hearing.) The public hearing determines whether discrimination occurred or not. The State's case is presented by an Assistant Attorney General and the decision and order is made by 3 members of the 11-member commission who serve as a hearing panel.

If you believe you have been discriminated against by a landlord, real estate agent, home seller, home loan provider or any other person in regards to housing because of your race, color, sex, religion, national origin, ancestry, disability or familial status-

- Charges may be filed in person or by mail.
- MCHR will provide assistance in filing charges of discrimination. You must sign a charge form.
- For help filling out a charge of discrimination form, contact any of MCHR's offices or use the toll free number or e-mail addresses listed below.
- If you visit an MCHR office to file a charge and need special assistance, such as an interpreter, call or write beforehand to avoid delay.

- You must file your charge with MCHR within 180 days of the most recent date of alleged discrimination. Federal law allows more time to file. Housing related charges up to 365 days after the last incident.

The MCHR partners with the Department of Housing and Urban Development (HUD) to enforce fair housing laws. Through a work sharing agreement, cases filed with HUD are also filed with the MCHR and visa versa. This common workload is divided between the two agencies to avoid duplication of effort and to make better use of our scarce resources.

For more information about the MCHR and to download and print housing related brochures, posters and materials for young people,

Contact the Missouri Commission on Human Rights Nearest You

MCHR - Jefferson City
PO Box 1129
Jefferson City, MO 65102-1129
Phone: (573) 751-3325
Fax: (573) 751-2905
TDD: (573) 526-5091
hgodsey@dolir.state.mo.us

MCHR - Kansas City
4049 Pennsylvania Avenue, Suite 150
Kansas City, MO 64111-3022
Phone: (816) 889-5100
FAX: (816) 889-5107
TDD: (816) 889-5106
bmvers@dolir.state.mo.us

MCHR - Springfield
505 E. Walnut
Springfield, MO 65805-0025
Phone: (417) 895-5620
FAX: (417) 895-5637
laduddell@dolir.state.mo.us

MCHR - St. Louis
505 Washington
St. Louis, MO 63101-1426
Phone: (314) 340-7590
FAX: (314) 340-7238
TDD: (314) 340-7803
sdawkins@dolir.state.mo.us
gfooster@dolir.state.mo.us

MCHR - Sikeston
108 West Center
Sikeston, MO 63801-4110
Phone: (573) 472-5320
FAX: (573) 472-5321
TDD: (573) 472-5223
cschneider@dolir.state.mo.us

Toll free (877) 781-4236

Relay Missouri:
800) 735-2466 (Voice)
800) 735-2966 (TDD)

Missouri Protection and Advocacy Services Are There For You

Under the Fair Housing Act, most sellers and landlords are prohibited from discriminating against individuals because of their race, color, religion, sex, disability, familial status or national origin. In addition, the act prohibits individuals with a mental illness from being discriminated against based on disability. This prohibition of discrimination against individuals with a disability extends beyond the renter or buyer. A seller or landlord cannot discriminate against a renter or buyer if

someone who will be living with them has a disability, or if someone associated with the renter or buyer has a disability.

Missouri Protection and Advocacy Services (MO P&A) recognizes the difficulty individuals with a mental illness may have in obtaining a dwelling. In order to combat discriminatory practices by landlords or sellers, MO P&A is currently assisting individuals with mental illness who are denied Section 8 vouchers or evicted as well as investigating the practices of Section 8 authorities in the St.

Louis and Kansas City metropolitan areas to ensure an acceptable percentage of housing is made available to individuals with mental illness.

The above objectives were set by the Missouri Protection & Advocacy Board of Directors to address issues that often affect individuals with mental illness living in the community. If you need assistance, please call MO P&A at 1-800-392-8667.



Department of Mental Health
Housing
1706 East Elm Street, PO Box 687
Jefferson City, MO 65102
(573) 751-9206

PRSRT STD
US POSTAGE
PAID
JEFFERSON CITY, MO
PERMIT 109

Housing News is published by the Missouri Department of Mental Health, Housing. It is distributed free to Missourians interested in housing issues.

Karia Lee Basta, Housing Director, Editor

VISIT US ON THE WEB:

<http://www.modmh.state.mo.us/homeinfo/housing/index.htm>

What the Future Holds for Fair Housing....

An important topic relevant to fair housing is legislation that would end “predatory lending”. Predatory lending involves the making of loans that are not in the borrower’s best interest and are likely to result in default and foreclosure. Usually the borrower’s home is used as collateral. These loans often involve deceptive practices that are already illegal, but legislation now pending would further restrict such activity. It is considered housing discrimination because it is often targeted at individuals based on race or some other protected class.

Opposition to affordable housing has been growing in recent years. Neighborhood opponents continue to devise a wide range of tools to keep such housing out of their back yards. The

U.S. Supreme Court’s decision on March 25, 2003, in the case of *City of Cuyahoga Falls v. Buckeye Community Hope Foundation* added a tool, and it is believed, will encourage more widespread efforts by opponents to prevent the construction of housing for people who are poor, homeless, or who have disabilities.

So the battle continues. Through continued education, increased awareness and vigilance we trust that interpretations of the law will continue to adapt to new issues and the Act will evolve and endure for as long as it takes to truly end discrimination in housing.

Additional Resources



www.fairhousing.com
www.fairhousingfirst.org
www.nationalfairhousing.org